

**In the United States Patent and Trademark Office**

Application No.: not yet assigned  
Filed: herewith  
Title: DIGITAL FOCUS LENS SYSTEM  
Applicant(s): Robert G. Batchko  
Examiner: not yet assigned  
Art Unit: not yet assigned

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Mailed July 11, 2003  
Fremont, CA

**Information Disclosure Statement**

Commissioner of Patents and Trademarks  
Washington, District of Columbia 20231

Dear Sir or Madam:

Attached is a completed Form PTO-1449 and copies of the pertinent parts of the references cited thereon. It is requested that the document(s) on the enclosed form be made of record. As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

**Part I (Authority)**

This statement is filed pursuant to:

☒ 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

☐ 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$240), or a certification according to 37 C.F.R. § 1.97(e).

☐ 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$130), a certification according to 37 C.F.R. § 1.97(e), and a petition requesting consideration of the information disclosure statement.

**Conditional Petition**

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). Please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.

To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

## **Part II (Payment)**

A check is enclosed as indicated:

- ☒ (X) No fee is due.
- ☐ ( ) The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$240).
- ☐ ( ) The petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$130).

## **Part III (Certification)**

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- ☒ (X) No certification is necessary.
- ☐ ( )
  - (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
    - ☐ ( ) The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
    - ☐ ( ) The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
  - (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

## **Part IV (Additional Statement)**

An additional statement regarding these items of information ( ) is, (X) is not, enclosed.

Copies of the cited art ( ) are enclosed, (X) are of record in parent application Serial No. 10/029,399 and will be provided if the Examiner deems it convenient.

Dated: *July 11, 2003*

Respectfully submitted,

*Joshua D. Isenberg*

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE				AGENT'S DOCKET NO. <b>BAT-102/US</b>		SERIAL NO. Not Yet Assigned	
<b>LIST OF PRIOR ART CITED BY APPLICANT</b> (Use several sheets if necessary)				APPLICANT <b>Robert G. Batchko</b>			
				FILING DATE		GROUP Not yet assigned	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	5,148,310	9/15/1992	Batchko	359	479	10/30/1990
	B	5,990,990	11/23/1999	Crabtree	349	74	11/4/1996
	C	5,630,004	5/13/1997	Deacon et al.	385	129	9/9/1994
	D	3,970,361	7/20/1976	Di Matteo et al.	359	478	10/16/1974
	E	4,130,832	12/19/1978	Sher	348	44	7/11/1977
	F	4,799,103	1/17/1989	Muckerheide	348	51	10/10/1986
	G	4,834,473	5/30/1989	Keyes, IV et al.	359	1	3/26/1986
	H	5,936,767	8/10/1999	Favalora	359	462	3/17/1997
	I	6,323,970	11/27/2001	Popovich	359	4	9/26/2000
	J	6,295,145	9/25/2001	Popovich	359	15	8/18/2000
	K	6,115,151	9/5/2000	Popovich	359	9	12/21/1999
	L	5,764,317	6/9/1998	Sadovnik et al.	349	5	6/26/1995
	M	6,329,963	12/11/2001	Chiabrera et al.	345	6	8/27/1998
	N	6,304,263	10/16/2001	Chiabrera et al.	345	419	9/4/1998
	O	4,764,890	8/16/1988	Hinton	364	807	12/19/1984
	P	6,185,016	2/6/2001	Popovich	359	15	1/18/2000
	Q	6,178,020	1/23/2001	Schultz et al.	359	107	9/30/1999
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATIO N
	R	WO 02/33657	4/25/2002	WIPO	G06T		YES NO

**OTHER PRIOR ART** (Including Author, Title, Date, Pertinent Pages, Etc.)

	S	L. Vicari, "Liquid-Crystal Layer Between Rough Polymeric Surfaces", Journal of the Optical Society of America B, Vol. 16, No. 7, July 1999.
EXAMINER		DATE CONSIDERED
* <b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE				ATTY. DOCKET NO. <b>BAT-102/US</b>		SERIAL NO. Not Yet Assigned	
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				FILING DATE Filed Herewith		GROUP Not Yet Assigned	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	<b>T</b>	6,359,674	3/19/2002	Horiuchi	349	200	6/7/2000
	<b>U</b>	6,320,635	11/20/2001	Matsui	349	133	2/5/1999
	<b>V</b>	6,317,190	11/13/2001	Winarski et al.	349	200	6/14/1999
	<b>W</b>	6,211,976	4/3/2001	Popovich et al.	359	15	6/30/2000
	<b>X</b>	6,183,088	2/6/2001	LoRe	353	7	5/25/1999
	<b>Y</b>	5,942,157	8/24/1999	Sutherland et al.	252	582	7/12/1996
	<b>Z</b>	5,768,242	6/16/1998	Juday	369	103	4/5/1996
	<b>A</b>	5,751,471	5/12/1998	Chen et al.	359	319	5/2/1997
	<b>AA</b>	5,751,452	5/12/1998	Tanaka et al.	359	52	2/18/1994
	<b>AB</b>	5,712,721	1/27/1998	Large	359	245	10/3/1995
	<b>AC</b>	5,150,234	9/22/1992	Takahashi et al.	359	65	11/4/1991
	<b>AD</b>	5,071,229	12/10/1991	Oaki et al.	359	53	8/7/1989
	<b>AE</b>	4,989,958	2/5/1991	Hamada et al.	350	419	11/2/1988
	<b>AF</b>	6,377,229	4/23/2002	Sullivan	345	6	4/14/1999
	<b>AG</b>	6,100,862	8/8/2000	Sullivan	345	88	11/20/1998
EXAMINER				DATE CONSIDERED			
<p>* <b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>							